

U.S. COURTS

UNITED STATES BANKRUPTCY COURT
District of Idaho

03 OCT 21 PM 3:05

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CALIE BURKE
CLERK IDAHO

DATE

10/21/2003

CASE NO: 03-41775

CASE NAME

MERZLOCK, JOHN L.

PRESIDING JUDGE

Jim D. Pappas

NATURE OF PROCEEDINGS

1) Chapter 13 Confirmation
2) Motion to Dismiss - Citizens
Community Bank

APPEARANCES

Dave Rayborn - Debtor

Craig Christensen - Citizens Community Bank and Ireland Bank

Bron Rammell - Darren Kuhn

Norman Reece - Schei Development and Roger Schei

Lowell Hawkes - State Court Counsel for Kuhn

REPORT OF PROCEEDINGS

1) Trustee does not recommend confirmation and requests the matter be dismissed. Chapter 13 Plan is late filed. Debtor has outstanding tax returns for several years. Confirmation is DENIED. Debtor is allowed until October 31, 2003 at 5:00 p.m. to file all past due tax returns and provide copies to the Trustee. In the event the returns are not filed, upon advice of the Trustee, the case may be dismissed without further notice or hearing. Debtor is allowed until October 31, 2003 at 5:00 p.m. to file an Amended Chapter 13 Plan. Confirmation of Amended Chapter 13 Plan is CONTINUED to December 1, 2003 at 1:30 p.m. for evidentiary hearing. On November 21, 2003, the parties are to file a written memorandum if so desired and exchange witness lists and documentary evidence.

2) Motion to Dismiss on behalf of Citizens Community Bank is CONTINUED to December 1, 2003 at 1:30 p.m. for evidentiary hearing.

Diane S. Hutchinson

Diane S. Hutchinson
Courtroom Deputy

JD